

REMARKS

Favorable reconsideration of this application for the reasons noted hereinafter is respectfully requested.

Claims 1-24 are pending in this application.

In the outstanding Office Action, Claims 1-7, 17-18, and 21-24 were rejected under 35 U.S.C. § 102(e) as anticipated by Robins et al. (U.S. Patent No. 6,430,184; hereinafter “Robins”); Claims 9, 12, 14, 16, and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Robins in view of Chandos et al. (U.S. Patent No. 5,615,214; hereinafter “Chandos”); Claims 8, 10-11, 13, and 15 were rejected under 35 U.S.C. § 103(a) as unpatentable over Robins; and Claim 20 was rejected under 35 U.S.C. § 103(a) as unpatentable over Robins in view of admitted prior art (hereinafter “APA”).

In response to the rejection of Claims 1-7, 17-18, and 21-24 under 35 U.S.C. § 102(e) as anticipated by Robins, Applicant respectfully requests reconsideration of the rejection and traverse the rejection as discussed next.

Independent Claim 1 is directed to a process for transmitting asynchronous data packets including, *inter alia*,

...starting a packeting operation of asynchronous data in a packeting module;

receiving, in said packeting module, a message from a message composition module when the message composition module needs a data packet;

interrupting said packeting operation based on said message;

transmitting a packet of asynchronous data from the packeting module formed during said packeting operation prior to said interrupting step even if the packeting operation of the asynchronous data is not completed; and

repeating said steps of starting, receiving said message, interrupting, and transmitting thereby transmitting a plurality of data packets.

Pages 2-3 of the Office Action asserts that Queue Manager (“QM”) 30 corresponds to Applicant’s claimed message composition module and that Media-Independent Interface Octal Mac (“MOM”) 1 corresponds to Applicant’s claimed packeting module. Page 2 of the Office Action also states that column 6, lines 12-14 of Robins describes “receiving, in said packeting module, a message from a message composition module when the message composition module needs a data packet,” as recited in Applicant’s independent Claim 1. Applicant respectfully disagrees.

Column 6, lines 10-16 of Robins describes that RX Credit Manager 19 adds transmission credits “to the headers as appropriate to inform QM that the transmit FIFO 24 can accept more data to be transmitted. A token arbiter 18 determines when the data is to be sent to the MAC Bus TX cell 76 to be transmitted on the MAC bus 60 to QM 30.” Thus, Robins describes that an ***RX Credit Manager 19*** adds transmission credits to inform QM that ***the transmit FIFO 24*** can accept more data to be transmitted. In other words, in Robins, the RX Credit Manager 19 sends a message to the QM 30.

Assuming *arguendo*, that QM 30 corresponds to Applicant’s claimed message composition module and that MOM 1 corresponds to Applicant’s claimed packeting module, the QM 30 does not send a message to the MOM 1, when the QM 30 needs a data packet, as required if Robins anticipated Applicant’s Claim 1. Further, in Robins, the QM 30 is informed when the FIFO 24 can accept more data, the MOM 1 is not informed when the QM 30 needs a packet, as required if Robins anticipated Applicant’s Claim 1.

Thus, Applicant respectfully submits independent Claim 1 (and all claims depending thereon) patentably defines over Robins.

Further, Applicant respectfully submits that Robins fails to teach or suggest each and every element of Claim 22. Claim 22 recites “a step of requesting said data packet from said message composition module, and said step of ***transmitting*** said packet of asynchronous data

from the packeting module *is performed as soon as the message composition module requests said data packet.*"

Page 5 of the outstanding Office Action asserts that column 6, lines 12-14 of Robins describes the above feature. However, Robins describes that a "token arbiter 18 **determines when** the data to be sent to the MAC Bus TX cell 76 to be transmitted on the MAC bus 60 to QM 30." (Emphasis Added). Robins does not describe that a packet of data is transmitted from the MOM 1 to the QM 30 as soon as the QM 30 requests the data packet. Thus, Robins fails to teach or suggest "transmitting said packet of asynchronous data from the packeting module is performed as soon as the message composition module requests said data packet," and hence Claim 22 is believed to be patentable.

Accordingly, Applicant respectfully requests the rejection of Claims 1-7, 17-18, and 21-24 under 35 U.S.C. § 102(e) as anticipated by Robins be withdrawn.

In response to the rejection of Claims 9, 12, 14, 16, and 19 under 35 U.S.C. § 103(a) as unpatentable over Robins in view of Chandos, Applicant notes that Claims 9 and 19 are dependent on independent Claim 1 and are believed to be patentable for at least the reasons discussed above. Further, Applicant respectfully submits that Chandos fails to cure any of the above-noted deficiencies of Robins.

Independent Claim 12 recites "requesting, by a message composition module, said packet when said message composition module needs said packet." Accordingly, Applicant respectfully submits that independent Claim 12 (and all claims depending thereon) patentably distinguishes over Robins and Chandos for at least the reasons discussed above.

Accordingly, Applicant respectfully requests the rejection of Claims 9, 12, 14, 16, and 19 under 35 U.S.C. § 103(a) as unpatentable over Robins in view of Chandos be withdrawn.

In response to the rejection of Claims 8, 10-11, 13, and 15 under 35 U.S.C. § 103(a) as unpatentable over Robins, Applicant notes that Claims 8, 10, and 11 are dependent on

independent Claim 1 and are believed to be patentable for at least the reasons discussed above. Claims 13 and 15 are dependent on Claim 12 and are also believed to be patentable for at least the reasons discussed above.

Accordingly, Applicant respectfully requests the rejection of Claims 8, 10-11, 13, and 15 under 35 U.S.C. § 103(a) as unpatentable over Robins be withdrawn.

In response to the rejection of Claim 20 under 35 U.S.C. § 103(a) as unpatentable over Robins in view of APA, Applicant notes that Claim 20 is dependent on Claim 1 and is believed to be patentable for at least the reasons discussed above. Further, Applicant respectfully submits that APA fails to cure any of the above-noted deficiencies of Robins.

Consequently, in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Philippe J.C. Signore, Ph.D.
Attorney of Record
Registration No. 43,922

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)
PJCS:DPB\la

Derek P. Benke
Registration No. 56,944